

be issued in due course. Pursuant to the Office Action mailed July 8, 1998, and subsequent telephone conversations with the Examiner and with special reissue Examiner Joseph Peters (703-308-2561), claims 28-33 as amended have been rewritten in smooth form.

The applicant acknowledges with appreciation the series of telephone interviews courteously granted by the Examiner to counsel, most recently on October 5, 1998. The claims have been amended by amendment of the independent claims in accordance with counsel's understanding of those interviews.

Applicant is aware of the continuing obligation under 37 C.F.R. 1.56 to timely apprise the office of any litigation information, or other prior or concurrent proceeding involving patent No. 5,418,537, of which this is an application for reissue, which is material to patentability of the claims under consideration in this reissue application.

In section 4 of the final Office Action, the reissue declaration is held to be defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the declaration

arose without any deceptive intention on the part of the applicant. In section 5 of the same Office Action, claims 28-49 are rejected as being based upon a defective reissue declaration. The objection to the reissue declaration and rejection of claims based thereon are respectfully traversed. We are submitting herewith a proposed revised declaration stating that all errors which are being corrected in the reissue application up to the time of filing of the declaration arose without any deceptive intention on the part of the applicant. If the Examiner now approves the declaration, we will attend to its execution in accordance with section 3 of the Office Action.

In section 7 of the Office Action, claims 28-34, 36, 38-40, 42 and 44-49 are rejected under 35 U.S.C. §102(e) as being anticipated by a U.S. patent to Song No. 5,208,756. In section 8 of the Office Action, claims 35, 37, 41 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Song patent in view of the patent to Darnell et al. No. 5,043,736. both patent are of record.

The rejections are respectfully traversed. The rejected claims have all been amended by amendment of the independent claims in accordance with the several telephone

interviews with the Examiner. Claim 28, for example, is directed to a method of disclosing the present location of a vehicle. The method comprises the steps of performing in-vehicle processing of signals to obtain a fix of vehicle location, employing a paging request responder to receive a paging request, and, in response to the paging request, employing a communications device that is separate from, and for operation independent of, the paging request responder to transmit the fix to a designated service center.

It is believed that this addresses all of the Examiner's concerns. On October 5, 1998, applicant had proposed the language "and capable of operation independently of" to be inserted after "separate from" in the next-to-last line of claim 28. In a subsequent telephone interview, the Examiner objected to the language "capable of operation", and the suggestion was made to employ instead the language "for operation".

Similar amendments have been made to all of the independent claims.

The claims are thus adequately distinguished from the Song patent. In the Song patent, while communications device

23, 25 may be "separate" from the paging request responder 28, items 23, 25 and 28 are all part of the mobile telephone 27. In accordance with the Song patent, there is nothing that acts "in response to the paging request" to "transmit the fix" which is also "separate from, and for operation independent of, the paging request responder."

Applicant wishes to make a further observation about word choice: it is believed that "independent" or "independently" is suitable in the amended claims. The meaning appears to be identical in either case. If "independent" is employed, then it is an adjective modifying the noun "operation." If "independently" is employed, then it is an adverb modifying "for operation", which itself serves as an adjective phrase modifying "device." Consequently, applicant has no objection to either term.

The Darnell et al. patent adds nothing of relevance to the point made above and in fact is cited only for its disclosure of a GPS location unit.

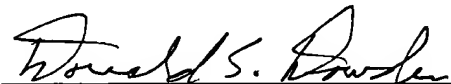
Accordingly, it is believed that the application is now in condition for allowance. All that remains to be done, subject

to the Examiner's approval, is to obtain the applicant's signature on the proposed declaration.

Favorable reconsideration is requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Donald S. Dowden", is written over a horizontal line.

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